

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7

11201 Renner Boulevard Lenexa, Kansas 66219

APR - 7 2016

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Martin McNamer, Registered Agent North Cascade Road Developers, LLC 1800 Manson Road Dubuque, Iowa 52003

Re:

Timber-Hyrst Estates #4

Request for Information Pursuant to Section 308 of the Clean Water Act

Dear Mr. McNamer:





Request for Information Pursuant to CWA Section 308(a)

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the agency to collect information for the purposes of carrying out the objectives of the CWA, including but not limited to, determining the compliance of a person with requirements of a NPDES Permit issued under Section 402 of the CWA, 33 U.S.C. § 1342. Accordingly, you are requested to respond to the enclosed information request (ENCLOSURE 1) within fifteen (15) calendar days of your receipt of this letter.

We appreciate your cooperation and prompt attention to his matter. If you have any questions regarding this information request, please contact Delia Garcia, at phone number (913) 551-7262, or Chris Dudding, the attorney assigned to this matter at (913) 551-7524. We trust that you recognize the importance of protecting the quality of our Nation's waters. Thank you for your attention to this matter.

Sincerely,

Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

Enclosure

cc: Ted Petersen, IDNR

Joe Sanfilippo, IDNR

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

- 1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
- 2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
- 3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
- 4. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience, the text of 40 C.F.R. § 122.22(b) is included on ENCLOSURE 2.
- 5. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
- 6. Compliance with this information request is mandatory. Please be advised that failure to respond completely, accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable lowa stormwater permit.
- 7. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Delia Garcia
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Blvd.
Lenexa, Kansas 66219.

II. Requested Information

Please submit your response to this Information Request as directed below in Section II.B., to the address provided in Section 1.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disc in PDF, Word, Excel or other widely available electronic format.

A. Preliminary Information

- 1. In each response required under Section II.B., identify the person to contact regarding your response, including title, address and phone number.
- 2. Your responses to this Information Request are to be provided by a qualified professional. In each response required under Section II.B., provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Updates Since EPA Inspection

- 3. The April 2015 EPA inspection cited multiple SWPPP deficiencies. Please provide a copy of the latest SWPPP for Timber-Hyrst Estates #4 (the site), along with an explanation of what SWPPP updates, if any, have been made since the EPA inspection. The SWPPP should include a site map detailing all BMPs currently installed.
- 4. What is the current revision date of the SWPPP?
- 5. Since the April 2015 EPA inspection, what efforts have been implemented to ensure sediment is not being discharged from the facility via stormwater?
- 6. Submit copies of the weekly inspection reports for the site from November 1, 2015 through the most recent report.

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature		Date	
Printed Name	93/1. 1. 1. 1. 1.		
Title			

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).